

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to FIP program and EBT cards and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 40, “Application for Aid,” and Chapter 65, “Food Assistance Program Administration,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 234.6 and 239B.4(6).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 234.6 and 239B.4(6).

Purpose and Summary

These proposed amendments remove obsolete form references from the Family Investment Program (FIP) rules in Chapter 40. The proposed amendments also remove outdated and unnecessary rules from Chapter 65 related to Electronic Benefits Transfer (EBT) for food assistance.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on June 11, 2019. Comments should be directed to:

Iowa Department of Human Services
Appeals Section
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 441—40.28(239B) as follows:

441—40.28(239B) Referral for investigation. The department may refer questionable cases to the department of inspections and appeals for further investigation. ~~Referrals shall be made using Form 470-2998, Referral for Front End Investigation.~~

This rule is intended to implement Iowa Code section 239B.5.

ITEM 2. Amend rule 441—65.4(234) as follows:

441—65.4(234) Issuance. The department shall issue food assistance benefits by electronic benefits transfer (EBT) cards.

65.4(1) Schedule. Benefits for ongoing certifications shall be made available to households on a staggered basis during the first ten calendar days of each month.

65.4(2) EBT cards. EBT cards shall be mailed to ~~clients~~ recipients except in the event of a disaster. Disaster EBT cards will be distributed through the local office.

~~a. Personal identification number selection. When a client receives the EBT card, the client shall call the automated response unit to select a personal identification number. The client must provide proof of identity before selecting the personal identification number.~~

~~b. Replacement of EBT cards. EBT cards shall be replaced within five business days after the client notifies the EBT customer service help desk of the need for replacement.~~

65.4(3) Client training. Written client training materials may either be mailed to clients or be handed to the clients if they visit the local office. Clients will be given in-person training upon request or if they are identified as having problems using the EBT system.

65.4(4) Point-of-sale terminals. Point-of-sale terminals allow clients to access food assistance benefits and retailers to redeem food sales.

~~a. Redemption threshold. The department will not place point-of-sale terminals with any authorized retailer with less than \$100 in monthly food assistance redemptions. Those retailers may participate through a manual voucher process described in paragraph 65.4(5) "b."~~

~~b. Shipping. Government-supplied point-of-sale terminals may be shipped to authorized retailers along with instructions for installation of the equipment and training materials. A toll-free number is available for retailers needing assistance.~~

~~c. Replacement. The department shall ensure that government-supplied point-of-sale terminals that are not operating properly are repaired or replaced within 48 hours.~~

65.4(5) Voucher processing.

~~a. Emergency vouchers. Authorized retailers may use an emergency manual voucher if they cannot access the EBT host system.~~

~~(1) The client shall sign Form 470-2827, POS Voucher, to authorize a debit of the household's EBT account.~~

~~(2) The retailer shall clear the manual transaction as soon as the host system becomes operational.~~

~~(3) The retailer shall receive a payment of the actual amount of the voucher, up to a maximum of \$50.~~

~~b. Manual vouchers. Authorized retailers without point-of-sale terminals and retailers whose equipment fails may use a manual voucher. If a manual voucher is used:~~

- ~~(1) The client shall sign Form 470-3980, Offline Food Stamp Voucher: Non-Equipped Retailer (No POS), to authorize a debit of the household's EBT account.~~
- ~~(2) The retailer shall obtain a telephone authorization from the EBT retailer help desk before finalizing the purchase.~~
- ~~(3) The retailer shall clear the manual transaction within 30 days.~~
- ~~(4) If there are insufficient funds in the client's account when the voucher is presented, the client's account shall be debited for the amount in the account. The remainder of the amount owed shall be deducted from benefits issued for subsequent months. If the next month's allotment is less than \$50, the deduction shall not exceed \$10.~~